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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Inventor: Charles A. Wilkins Group Art Unit: 1724

Ser. No.: 09/921,208

Examiner: Upton

Filed: 08/03/2001

Attorney Docket: Case9

For: SYSTEM FOR STRAINING SEPTIC TANK EFFLUENT  
BEFORE DISCHARGE TO A DRAIN FIELDCertificate of Facsimile

I hereby certify that this 3-Page Paper is being transmitted to Commissioner For Patents, P.O. Box 1450, Arlington, VA 22213-1450, by facsimile to (703) 872-9310 on 01 May 2003.

  
G. BolterREPLY AND PROVISIONAL ELECTIONCommissioner For Patents  
P.O. Box 1450  
Alexandria, VA. 22213-1450

Dear Sir:

This paper is being timely filed in reply to an Official Action dated 04/04/2003 having a 30-day period for response.

While the Examiner's analysis of the 33 claims is quite thorough, the Official Action lacks a reason WHY the various claim groupings are patentably distinct. Moreover the Action seems to be a curious hybrid of requiring both restriction based on Claim groupings developed by the Examiner and election of a particular species.

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Election of a species typically involves election of a particular Figure or Figures, not Claims. The Official Action identifies no species by Figure number or numbers, yet asks for a species election. Accordingly, it is respectfully submitted that the Official Action fails to comply with relevant rules, as explained in the M.P.E.P.

Withdrawal of the requirement is therefore respectfully requested.

Even though the requirement lacks reasoning for the requirement, and is confusing to the undersigned, Applicant does recognize the obligation to make a provisional election based on the requests in the Action, at least as best the undersigned can understand them, so that this paper will not be held non-responsive. In this regard, the undersigned would be happy to receive the Examiner's phone call to clarify the requirement if he disagrees with the Applicant's proposal for election of species that follows.

ON THE BASIS OF SPECIES ELECTION (BELIEVED TO BE THE INTENT OF THE OFFICIAL ACTION), Applicant provisionally elects Figure 5 on which Claims 1-7, 15-18, 22-26, and 31-33 read. This is what the undersigned believes proper, even though not specifically stated in the Action as a potential species. Moreover, it is what Applicant would prefer if the Examiner does not withdraw the requirement.

If the Examiner does not withdraw the requirement and also does not see fit to honor Applicant's just-stated preference, the undersigned would be happy to receive the Examiner's phone call to clarify the requirement before the Examiner proceeds with further examination.

To avoid a holding of non-responsiveness in case the Examiner's intent has been misunderstood, ON THE BASIS OF

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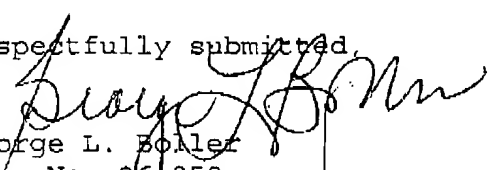
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CLAIM GROUPING SPECIFIED IN THE ACTION, Applicant provisionally elects Group III, which is understood to relate to subject matter defined by Claims 1, 15, 16-19, 22, and 31-33.

The undersigned trusts that the Examiner will recognize this paper as a sincere response to advance prosecution, and not as an attempt to create confusion or cause delay.

Respectfully submitted,



George L. Bollen  
Reg. No. 26,258

Dated: 01 May 2003  
17199 North Laurel Park Drive  
Livonia, MI 48152  
734-432-7900 (Voice)  
734-432-7997 (Fax)  
RELLOB@PRODIGY.NET

MAY 02 2003